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1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Wendell H. Ford Aviation Investment and Reform Act
4 for the 21st Century”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
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- Sec. 125. Public notice before waiver with respect to land.
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- Sec. 127. Letters of intent.
- Sec. 128. Grants from small airport fund.
- Sec. 129. Discretionary use of unused apportionments.
- Sec. 130. Designating current and former military airports.
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- Sec. 133. Inherently low-emission airport vehicle pilot program.
- Sec. 134. Airport security program.
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- Sec. 137. Intermodal connections.
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- Sec. 151. Treatment of certain facilities as airport-related projects.
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- Sec. 155. Competition plans.
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- Sec. 158. Construction of runways.
- Sec. 159. Notice of grants.
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- Sec. 161. Report on efforts to implement capacity enhancements.
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- Sec. 163. Continuation of reports.

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- Sec. 201. Policy for air service to rural areas.
- Sec. 202. Waiver of local contribution.
- Sec. 203. Improved air carrier service to airports not receiving sufficient service.
- Sec. 204. Preservation of essential air service at single carrier dominated hub airports.
- Sec. 205. Determination of distance from hub airport.
- Sec. 206. Report on essential air service.
- Sec. 207. Marketing practices.
- Sec. 208. Definition of eligible place.
- Sec. 209. Maintaining the integrity of the essential air service program.
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- Sec. 221. Consumer notification of E-ticket expiration dates.
- Sec. 222. Increased penalty for violation of aviation consumer protection laws.
- Sec. 223. Funding of enforcement of airline consumer protections.
- Sec. 224. Airline customer service reports.
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- Sec. 231. Changes in, and phase-out of, slot rules.

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- Sec. 302. Air traffic control oversight.
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TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

- Sec. 1001. Extension of expenditure authority.

1 **SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

2 Except as otherwise specifically provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion of law, the reference shall be considered to be made
6 to a section or other provision of title 49, United States
7 Code.

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1 SEC. 3. APPLICABILITY.

2 Except as otherwise specifically provided, this Act
3 and the amendments made by this Act shall apply only
4 to fiscal years beginning after September 30, 1999.

5 SEC. 4. DEFINITIONS.

6 Except as otherwise provided in this Act, the fol-
7 lowing definitions apply:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Aviation Administration.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Transportation.

13 **TITLE I—AIRPORT AND AIRWAY**
14 **IMPROVEMENTS**
15 **Subtitle A—Funding**

16 SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
18 48103 is amended by striking “shall be” the last place
19 it appears and all that follows and inserting the following:
20 “shall be—

21 “(1) \$2,410,000,000 for fiscal year 1999;

22 “(2) \$2,475,000,000 for fiscal year 2000;

23 “(3) \$3,200,000,000 for fiscal year 2001;

24 “(4) \$3,300,000,000 for fiscal year 2002; and

25 “(5) \$3,400,000,000 for fiscal year 2003.

26 Such sums shall remain available until expended.”.

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1 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
2 is amended by striking “After” and all that follows
3 through “1999,” and inserting “After September 30,
4 2003,”.

5 (c) REIMBURSEMENT.—Upon enactment of this Act,
6 amounts for administration funded by the appropriation
7 for “Federal Aviation Administration, Operations”, pursu-
8 ant to the third proviso under the heading “Grants-in-Aid
9 for Airports (Liquidation of Contract Authorization) (Air-
10 port and Airway Trust Fund)” in the Department of
11 Transportation and Related Agencies Appropriations Act,
12 2000, may be reimbursed from funds limited under such
13 heading.

14 **SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

15 (a) GENERAL AUTHORIZATION AND APPROPRIA-
16 TIONS.—Section 48101(a) is amended by striking para-
17 graphs (1), (2), and (3) and inserting the following:

18 “(1) \$2,131,000,000 for fiscal year 1999.

19 “(2) \$2,689,000,000 for fiscal year 2000.

20 “(3) \$2,656,765,000 for fiscal year 2001.

21 “(4) \$2,914,000,000 for fiscal year 2002.

22 “(5) \$2,981,022,000 for fiscal year 2003.”.

23 (b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is
24 amended by adding at the end the following:

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1 “(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts
2 appropriated under subsection (a) for fiscal year 2001,
3 \$8,000,000 may be used for the voluntary purchase and
4 installation of universal access systems.”.

5 (c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS
6 SYSTEM.—Section 48101 is further amended by adding
7 at the end the following:

8 “(e) ALASKA NATIONAL AIR SPACE COMMUNICA-
9 TIONS SYSTEM.—Of the amounts appropriated under sub-
10 section (a) for fiscal year 2001, \$7,200,000 may be used
11 by the Administrator of the Federal Aviation Administra-
12 tion for the Alaska National Air Space Interfacility Com-
13 munications System if the Administrator issues a report
14 supporting the use of such funds for the System.”.

15 (d) AUTOMATED SURFACE OBSERVATION SYSTEM/
16 AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—
17 Section 48101 is further amended by adding at the end
18 the following:

19 “(f) AUTOMATED SURFACE OBSERVATION SYSTEM/
20 AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—
21 Of the amounts appropriated under subsection (a) for fis-
22 cal years beginning after September 30, 2000, such sums
23 as may be necessary for the implementation and use of
24 upgrades to the current automated surface observation

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1 system/automated weather observing system, if the up-
2 grade is successfully demonstrated.”.

3 (e) LIFE-CYCLE COST ESTIMATES.—Section 48101
4 is further amended by adding at the end the following:

5 “(g) LIFE-CYCLE COST ESTIMATES.—The Adminis-
6 trator of the Federal Aviation Administration shall estab-
7 lish life-cycle cost estimates for any air traffic control
8 modernization project the total life-cycle costs of which
9 equal or exceed \$50,000,000.”.

10 **SEC. 103. FAA OPERATIONS.**

11 (a) IN GENERAL.—Section 106(k) is amended to
12 read as follows:

13 “(k) AUTHORIZATION OF APPROPRIATIONS FOR OP-
14 ERATIONS.—

15 “(1) IN GENERAL.—There is authorized to be
16 appropriated to the Secretary of Transportation for
17 operations of the Administration—

18 “(A) such sums as may be necessary for
19 fiscal year 2000;

20 “(B) \$6,592,235,000 for fiscal year 2001;

21 “(C) \$6,886,000,000 for fiscal year 2002;

22 and

23 “(D) \$7,357,000,000 for fiscal year 2003.

24 Such sums shall remain available until expended.

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1 “(2) AUTHORIZED EXPENDITURES.—Out of
2 amounts appropriated under paragraph (1), the fol-
3 lowing expenditures are authorized:

4 “(A) \$450,000 for each of fiscal years
5 2000 through 2003 for wildlife hazard mitiga-
6 tion measures and management of the wildlife
7 strike database of the Federal Aviation Admin-
8 istration.

9 “(B) \$9,100,000 for the 3-fiscal-year pe-
10 riod beginning with fiscal year 2001 to support
11 a university consortium established to provide
12 an air safety and security management certifi-
13 cate program, working cooperatively with the
14 Federal Aviation Administration and United
15 States air carriers, except that funds under this
16 subparagraph—

17 “(i) may not be used for the construc-
18 tion of a building or other facility; and

19 “(ii) may only be awarded on the
20 basis of open competition.

21 “(C) Such sums as may be necessary for
22 fiscal years 2000 through 2003 to support in-
23 frastructure systems development for both gen-
24 eral aviation and the vertical flight industry.

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1 “(D) Such sums as may be necessary for
2 fiscal years 2000 through 2003 to establish heli-
3 copter approach procedures using current tech-
4 nologies (such as the Global Positioning Sys-
5 tem) to support all-weather, emergency medical
6 service for trauma patients.

7 “(E) Such sums as may be necessary for
8 fiscal years 2000 through 2003 to revise exist-
9 ing terminal and en route procedures and in-
10 strument flight rules to facilitate the takeoff,
11 flight, and landing of tiltrotor aircraft and to
12 improve the national airspace system by sepa-
13 rating such aircraft from congested flight paths
14 of fixed-wing aircraft.

15 “(F) \$3,300,000 for fiscal year 2000 and
16 \$3,000,000 for each of fiscal years 2001
17 through 2003 to implement the 1998 airport
18 surface operations safety action plan of the
19 Federal Aviation Administration.

20 “(G) \$9,100,000 for fiscal year 2001 to
21 support air safety efforts through payment of
22 United States membership obligations in the
23 International Civil Aviation Organization, to be
24 paid as soon as practicable.

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1 “(H) Such sums as may be necessary for
2 fiscal years 2000 through 2003 for the Sec-
3 retary to hire additional inspectors in order to
4 enhance air cargo security programs.

5 “(I) Such sums as may be necessary for
6 fiscal years 2000 through 2003 to develop and
7 improve training programs (including model
8 training programs and curriculum) for security
9 screening personnel at airports that will be used
10 by airlines to meet regulatory requirements re-
11 lating to the training and testing of such per-
12 sonnel.”.

13 (b) OFFICE OF AIRLINE INFORMATION.—There is
14 authorized to be appropriated from the Airport and Air-
15 way Trust Fund to the Secretary \$4,000,000 for fiscal
16 years beginning after September 30, 2000, to fund the ac-
17 tivities of the Office of Airline Information in the Bureau
18 of Transportation Statistics of the Department of Trans-
19 portation.

20 **SEC. 104. AIP FORMULA CHANGES.**

21 (a) AMOUNTS APPORTIONED TO SPONSORS.—

22 (1) AMOUNTS TO BE APPORTIONED.—Section
23 47114(c)(1) is amended—

24 (A) in subparagraph (B) by striking
25 “\$500,000” and inserting “\$650,000”; and

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1 (B) by adding at the end the following:

2 “(C) SPECIAL RULE.—In any fiscal year in
3 which the total amount made available under
4 section 48103 is \$3,200,000,000 or more—

5 “(i) the amount to be apportioned to
6 a sponsor under subparagraph (A) shall be
7 increased by doubling the amount that
8 would otherwise be apportioned;

9 “(ii) the minimum apportionment to a
10 sponsor under subparagraph (B) shall be
11 \$1,000,000 rather than \$650,000; and

12 “(iii) the maximum apportionment to
13 a sponsor under subparagraph (B) shall be
14 \$26,000,000 rather than \$22,000,000.

15 “(D) NEW AIRPORTS.—Notwithstanding
16 subparagraph (A), the Secretary shall apportion
17 on the first day of the first fiscal year following
18 the official opening of a new airport with sched-
19 uled passenger air transportation an amount
20 equal to the minimum amount set forth in sub-
21 paragraph (B) or (C), as appropriate, to the
22 sponsor of such airport.

23 “(E) USE OF PREVIOUS FISCAL YEAR’S AP-
24 PORTIONMENT.—Notwithstanding subpara-
25 graph (A), the Secretary may apportion to an

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1 airport sponsor in a fiscal year an amount
2 equal to the amount apportioned to that spon-
3 sor in the previous fiscal year if the Secretary
4 finds that—

5 “(i) passenger boardings at the air-
6 port fell below 10,000 in the calendar year
7 used to calculate the apportionment;

8 “(ii) the airport had at least 10,000
9 passenger boardings in the calendar year
10 prior to the calendar year used to calculate
11 apportionments to airport sponsors in a
12 fiscal year; and

13 “(iii) the cause of the shortfall in pas-
14 senger boardings was a temporary but sig-
15 nificant interruption in service by an air
16 carrier to that airport due to an employ-
17 ment action, natural disaster, or other
18 event unrelated to the demand for air
19 transportation at the affected airport.”.

20 (2) CONFORMING AMENDMENTS.—Section
21 47114(c)(1) is amended—

22 (A) by striking “(1)(A) The Secretary”
23 and inserting the following:

24 “(1) PRIMARY AIRPORTS.—

25 “(A) APPORTIONMENT.—The Secretary”;

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1 (B) in subparagraph (B) by striking “(B)
2 Not less” and inserting the following:

3 “(B) MINIMUM AND MAXIMUM APPORTION-
4 MENTS.—Not less”; and

5 (C) by aligning the left margin of subpara-
6 graph (A) (including clauses (i) through (v))
7 and subparagraph (B) with subparagraphs (C)
8 and (D) (as added by paragraph (1)(B) of this
9 subsection).

10 (b) CARGO ONLY AIRPORTS.—Section 47114(c)(2) is
11 amended—

12 (1) in subparagraph (A) by striking “2.5 per-
13 cent” and inserting “3 percent”; and

14 (2) in subparagraph (C) by striking “Not more
15 than” and inserting “In any fiscal year in which the
16 total amount made available under section 48103 is
17 less than \$3,200,000,000, not more than”.

18 (c) ENTITLEMENT FOR GENERAL AVIATION AIR-
19 PORTS.—Section 47114(d) is amended to read as follows:

20 “(d) AMOUNTS APPORTIONED FOR GENERAL AVIA-
21 TION AIRPORTS.—

22 “(1) DEFINITIONS.—In this subsection, the fol-
23 lowing definitions apply:

24 “(A) AREA.—The term ‘area’ includes land
25 and water.

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1 “(B) POPULATION.—The term ‘population’
2 means the population stated in the latest decen-
3 nial census of the United States.

4 “(2) APPORTIONMENT.—Except as provided in
5 paragraph (3), the Secretary shall apportion to the
6 States 18.5 percent of the amount subject to appor-
7 tionment for each fiscal year as follows:

8 “(A) 0.66 percent of the apportioned
9 amount to Guam, American Samoa, the North-
10 ern Mariana Islands, and the Virgin Islands.

11 “(B) Except as provided in paragraph (4),
12 49.67 percent of the apportioned amount for
13 airports, excluding primary airports but includ-
14 ing reliever and nonprimary commercial service
15 airports, in States not named in subparagraph
16 (A) in the proportion that the population of
17 each of those States bears to the total popu-
18 lation of all of those States.

19 “(C) Except as provided in paragraph (4),
20 49.67 percent of the apportioned amount for
21 airports, excluding primary airports but includ-
22 ing reliever and nonprimary commercial service
23 airports, in States not named in subparagraph
24 (A) in the proportion that the area of each of

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1 those States bears to the total area of all of
2 those States.

3 “(3) SPECIAL RULE.—In any fiscal year in
4 which the total amount made available under section
5 48103 is \$3,200,000,000 or more, rather than mak-
6 ing an apportionment under paragraph (2), the Sec-
7 retary shall apportion 20 percent of the amount sub-
8 ject to apportionment for each fiscal year as follows:

9 “(A) To each airport, excluding primary
10 airports but including reliever and nonprimary
11 commercial service airports, in States the lesser
12 of—

13 “(i) \$150,000; or

14 “(ii) $\frac{1}{5}$ of the most recently published
15 estimate of the 5-year costs for airport im-
16 provement for the airport, as listed in the
17 national plan of integrated airport systems
18 developed by the Federal Aviation Admin-
19 istration under section 47103.

20 “(B) Any remaining amount to States as
21 follows:

22 “(i) 0.62 percent of the remaining
23 amount to Guam, American Samoa, the
24 Commonwealth of the Northern Mariana
25 Islands, and the Virgin Islands.

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1 “(ii) Except as provided in paragraph
2 (4), 49.69 percent of the remaining
3 amount for airports, excluding primary air-
4 ports but including reliever and nonpri-
5 mary commercial service airports, in States
6 not named in clause (i) in the proportion
7 that the population of each of those States
8 bears to the total population of all of those
9 States.

10 “(iii) Except as provided in paragraph
11 (4), 49.69 percent of the remaining
12 amount for airports, excluding primary air-
13 ports but including reliever and nonpri-
14 mary commercial service airports, in States
15 not named in clause (i) in the proportion
16 that the area of each of those States bears
17 to the total area of all of those States.

18 “(4) AIRPORTS IN ALASKA, PUERTO RICO, AND
19 HAWAII.—An amount apportioned under paragraph
20 (2) or (3) to Alaska, Puerto Rico, or Hawaii for air-
21 ports in such State may be made available by the
22 Secretary for any public airport in those respective
23 jurisdictions.

24 “(5) USE OF STATE HIGHWAY SPECIFICA-
25 TIONS.—

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1 “(A) IN GENERAL.—The Secretary may
2 permit the use of State highway specifications
3 for airfield pavement construction using funds
4 made available under this subsection at nonpri-
5 mary airports with runways of 5,000 feet or
6 shorter serving aircraft that do not exceed
7 60,000 pounds gross weight if the Secretary de-
8 termines that—

9 “(i) safety will not be negatively af-
10 fected; and

11 “(ii) the life of the pavement will not
12 be shorter than it would be if constructed
13 using Administration standards.

14 “(B) LIMITATION.—An airport may not
15 seek funds under this subchapter for runway
16 rehabilitation or reconstruction of any such air-
17 field pavement constructed using State highway
18 specifications for a period of 10 years after con-
19 struction is completed unless the Secretary de-
20 termines that the rehabilitation or reconstruc-
21 tion is required for safety reasons.

22 “(6) INTEGRATED AIRPORT SYSTEM PLAN-
23 NING.—Notwithstanding any other provision of this
24 subsection, funds made available under this sub-
25 section may be used for integrated airport system

1 planning that encompasses one or more primary air-
2 ports.”.

3 (d) SUPPLEMENTAL APPORTIONMENT FOR ALAS-
4 KA.—Section 47114(e) is amended—

5 (1) in the subsection heading by striking “AL-
6 TERNATIVE” and inserting “SUPPLEMENTAL”;

7 (2) in paragraph (1)—

8 (A) by striking “Instead of apportioning
9 amounts for airports in Alaska under” and in-
10 serting “IN GENERAL.—Notwithstanding”; and

11 (B) by striking “those airports” and in-
12 serting “airports in Alaska”;

13 (3) in paragraph (2) by inserting “AUTHORITY
14 FOR DISCRETIONARY GRANTS.—” before “This sub-
15 section”;

16 (4) by striking paragraph (3) and inserting the
17 following:

18 “(3) AIRPORTS ELIGIBLE FOR FUNDS.—An
19 amount apportioned under this subsection may be
20 used for any public airport in Alaska.

21 “(4) SPECIAL RULE.—In any fiscal year in
22 which the total amount made available under section
23 48103 is \$3,200,000,000 or more, the amount that
24 may be apportioned for airports in Alaska under

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1 paragraph (1) shall be increased by doubling the
2 amount that would otherwise be apportioned.”; and

3 (5) by indenting paragraph (1) and aligning
4 paragraph (1) (and its subparagraphs) and para-
5 graph (2) with paragraphs (3) and (4) (as added by
6 paragraph (4) of this subsection).

7 (e) GRANTS FOR AIRPORT NOISE COMPATIBILITY
8 PLANNING.—Section 47117(e)(1)(A) is amended by strik-
9 ing “31 percent” each place it appears and inserting “34
10 percent”.

11 (f) GRANTS FOR RELIEVER AIRPORTS.—Section
12 47117(e)(1) is amended by adding at the end the fol-
13 lowing:

14 “(C) In any fiscal year in which the total
15 amount made available under section 48103 is
16 \$3,200,000,000 or more, at least $\frac{2}{3}$ of 1 percent for
17 grants to sponsors of reliever airports which have—

18 “(i) more than 75,000 annual operations;

19 “(ii) a runway with a minimum usable
20 landing distance of 5,000 feet;

21 “(iii) a precision instrument landing proce-
22 dure;

23 “(iv) a minimum number of aircraft, to be
24 determined by the Secretary, based at the air-
25 port; and

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1 “(v) been designated by the Secretary as a
2 reliever airport to an airport with 20,000 hours
3 of annual delays in commercial passenger air-
4 craft takeoffs and landings.”.

5 (g) REPEAL OF APPORTIONMENT LIMITATION ON
6 COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section
7 47117 is amended by striking subsection (f) and by redes-
8 ignating subsections (g) and (h) as subsections (f) and (g),
9 respectively.

10 **SEC. 105. PASSENGER FACILITY FEES.**

11 (a) AUTHORITY TO IMPOSE HIGHER FEE.—Section
12 40117(b) is amended by adding at the end the following:

13 “(4) In lieu of authorizing a fee under paragraph (1),
14 the Secretary may authorize under this section an eligible
15 agency to impose a passenger facility fee of \$4.00 or \$4.50
16 on each paying passenger of an air carrier or foreign air
17 carrier boarding an aircraft at an airport the agency con-
18 trols to finance an eligible airport-related project, includ-
19 ing making payments for debt service on indebtedness in-
20 curred to carry out the project, if the Secretary finds—

21 “(A) in the case of an airport that has more
22 than .25 percent of the total number of annual
23 boardings in the United States, that the project will
24 make a significant contribution to improving air
25 safety and security, increasing competition among

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1 air carriers, reducing current or anticipated conges-
2 tion, or reducing the impact of aviation noise on peo-
3 ple living near the airport; and

4 “(B) that the project cannot be paid for from
5 funds reasonably expected to be available for the
6 programs referred to in section 48103.”.

7 (b) LIMITATION ON APPROVAL OF CERTAIN APPLI-
8 CATIONS.—Section 40117(d) is amended—

9 (1) by striking “and” at the end of paragraph
10 (2);

11 (2) by striking the period at the end of para-
12 graph (3) and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(4) in the case of an application to impose a
15 fee of more than \$3.00 for an eligible surface trans-
16 portation or terminal project, the agency has made
17 adequate provision for financing the airside needs of
18 the airport, including runways, taxiways, aprons,
19 and aircraft gates.”.

20 (c) REDUCING APPORTIONMENTS.—Section 47114(f)
21 is amended—

22 (1) by striking “An amount” and inserting “(1)

23 IN GENERAL.—Subject to paragraph (3), an
24 amount”;

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1 (2) by striking “an amount equal to” and all
2 that follows through the period at the end and in-
3 serting the following: “an amount equal to—

4 “(A) in the case of a fee of \$3.00 or less,
5 50 percent of the projected revenues from the
6 fee in the fiscal year but not by more than 50
7 percent of the amount that otherwise would be
8 apportioned under this section; and

9 “(B) in the case of a fee of more than
10 \$3.00, 75 percent of the projected revenues
11 from the fee in the fiscal year but not by more
12 than 75 percent of the amount that otherwise
13 would be apportioned under this section.”;

14 (3) by adding at the end the following:

15 “(2) EFFECTIVE DATE OF REDUCTION.—A re-
16 duction in an apportionment required by paragraph
17 (1) shall not take effect until the first fiscal year fol-
18 lowing the year in which the collection of the fee im-
19 posed under section 40117 is begun.

20 “(3) SPECIAL RULE FOR TRANSITIONING
21 AIRPORTS.—

22 “(A) IN GENERAL.—Beginning with the
23 fiscal year following the first calendar year in
24 which the sponsor of an airport has more than
25 .25 percent of the total number of boardings in

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1 the United States, the sum of the amount that
2 would be apportioned under this section after
3 application of paragraph (1) in a fiscal year to
4 such sponsor and the projected revenues to be
5 derived from the fee in such fiscal year shall
6 not be less than the sum of the apportionment
7 to such airport for the preceding fiscal year and
8 the revenues derived from such fee in the pre-
9 ceding fiscal year.

10 “(B) EFFECTIVE PERIOD.—Subparagraph
11 (A) shall be in effect for fiscal years 2000
12 through 2003.”; and

13 (4) by aligning paragraph (1) of such section
14 (as designated by paragraph (1) of this section) with
15 paragraph (2) of such section (as added by para-
16 graph (3) of this section).

17 **SEC. 106. FUNDING FOR AVIATION PROGRAMS.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AIRPORT AND AIRWAY TRUST FUND GUAR-
20 ANTEE.—

21 (A) IN GENERAL.—The total budget re-
22 sources made available from the Airport and
23 Airway Trust Fund each fiscal year through fis-
24 cal year 2003 pursuant to sections 48101,
25 48102, 48103, and 106(k) of title 49, United

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1 States Code, shall be equal to the level of re-
2 cepts plus interest credited to the Airport and
3 Airway Trust Fund for that fiscal year. Such
4 amounts may be used only for aviation invest-
5 ment programs listed in subsection (b).

6 (B) GUARANTEE.—No funds may be ap-
7 propriated or limited for aviation investment
8 programs listed in subsection (b) unless the
9 amount described in subparagraph (A) has been
10 provided.

11 (2) ADDITIONAL AUTHORIZATIONS OF APPRO-
12 PRIATIONS FROM THE GENERAL FUND.—In any fis-
13 cal year through fiscal year 2003, if the amount de-
14 scribed in paragraph (1) is appropriated, there is
15 further authorized to be appropriated from the gen-
16 eral fund of the Treasury such sums as may be nec-
17 essary for the Federal Aviation Administration Op-
18 erations account.

19 (b) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) TOTAL BUDGET RESOURCES.—The term
22 “total budget resources” means the total amount
23 made available from the Airport and Airway Trust
24 Fund for the sum of obligation limitations and budg-
25 et authority made available for a fiscal year for the

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1 following budget accounts that are subject to the ob-
2 ligation limitation on contract authority provided in
3 this Act and for which appropriations are provided
4 pursuant to authorizations contained in this Act:

5 (A) 69–8106–0–7–402 (Grants in Aid for
6 Airports).

7 (B) 69–8107–0–7–402 (Facilities and
8 Equipment).

9 (C) 69–8108–0–7–402 (Research and De-
10 velopment).

11 (D) 69–8104–0–7–402 (Trust Fund Share
12 of Operations).

13 (2) LEVEL OF RECEIPTS PLUS INTEREST.—The
14 term “level of receipts plus interest” means the level
15 of excise taxes and interest credited to the Airport
16 and Airway Trust Fund under section 9502 of the
17 Internal Revenue Code of 1986 for a fiscal year as
18 set forth in the President’s budget baseline projec-
19 tion as defined in section 257 of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985 (Pub-
21 lic Law 99–177) (Treasury identification code 20–
22 8103–0–7–402) for that fiscal year submitted pursu-
23 ant to section 1105 of title 31, United States Code.

24 (c) ENFORCEMENT OF GUARANTEES.—

1 (1) TOTAL AIRPORT AND AIRWAY TRUST FUND
2 FUNDING.—It shall not be in order in the House of
3 Representatives or the Senate to consider any bill,
4 joint resolution, amendment, motion, or conference
5 report that would cause total budget resources in a
6 fiscal year for aviation investment programs de-
7 scribed in subsection (b) to be less than the amount
8 required by subsection (a)(1)(A) for such fiscal year.

9 (2) CAPITAL PRIORITY.—It shall not be in
10 order in the House of Representatives or the Senate
11 to consider any bill, joint resolution, amendment,
12 motion, or conference report that provides an appro-
13 priation (or any amendment thereto) for any fiscal
14 year through fiscal year 2003 for Research and De-
15 velopment or Operations if the sum of the obligation
16 limitation for Grants-in-Aid for Airports and the ap-
17 propriation for Facilities and Equipment for such
18 fiscal year is below the sum of the authorized levels
19 for Grants-in-Aid for Airports and for Facilities and
20 Equipment for such fiscal year.

21 (d) CONFORMING AMENDMENT.—Section 48104 is
22 amended—

23 (1) by striking “Except as provided in this sec-
24 tion,” in subsection (a); and

25 (2) by striking subsections (b) and (c).

1 **SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.**

2 (a) IN GENERAL.—Chapter 481 is amended by add-
3 ing at the end the following:

4 **“§ 48112. Adjustment to AIP program funding**

5 “On the effective date of a general appropriations Act
6 providing appropriations for a fiscal year beginning after
7 September 30, 2000, for the Federal Aviation Administra-
8 tion, the amount made available for a fiscal year under
9 section 48103 shall be increased by the amount, if any,
10 by which—

11 “(1) the amount authorized to be appropriated
12 under section 48101 for such fiscal year; exceeds

13 “(2) the amounts appropriated for programs
14 funded under such section for such fiscal year.

15 Any contract authority made available by this section shall
16 be subject to an obligation limitation.”.

17 (b) CONFORMING AMENDMENT.—The analysis for
18 such chapter is amended by adding at the end the fol-
19 lowing:

“48112. Adjustment to AIP program funding.”.

20 **SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.**

21 (a) IN GENERAL.—Chapter 481 is further amended
22 by adding at the end the following:

23 **“§ 48113. Reprogramming notification requirement**

24 “Before reprogramming any amounts appropriated
25 under section 106(k), 48101(a), or 48103, for which noti-

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1 fication of the Committees on Appropriations of the Sen-
2 ate and the House of Representatives is required, the Sec-
3 retary of Transportation shall transmit a written expla-
4 nation of the proposed reprogramming to the Committee
5 on Commerce, Science, and Transportation of the Senate
6 and the Committee on Transportation and Infrastructure
7 of the House of Representatives.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 481 is amended by adding at the end the fol-
10 lowing:

“48113. Reprogramming notification requirement.”.

11 **Subtitle B—Airport Development**

12 **SEC. 121. RUNWAY INCURSION PREVENTION DEVICES AND** 13 **EMERGENCY CALL BOXES.**

14 (a) POLICY.—Section 47101(a)(11) is amended by
15 inserting “(including integrated in-pavement lighting sys-
16 tems for runways and taxiways and other runway and
17 taxiway incursion prevention devices)” after “technology”
18 the first place it appears.

19 (b) MAXIMUM USE OF SAFETY FACILITIES.—Section
20 47101(f) is amended—

21 (1) by striking “and” at the end of paragraph
22 (9);

23 (2) by striking the period at the end of para-
24 graph (10) and inserting “; and”; and

25 (3) by adding at the end the following:

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1 “(11) runway and taxiway incursion prevention
2 devices, including integrated in-pavement lighting
3 systems for runways and taxiways.”.

4 (c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND
5 EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—
6 Section 47102(3)(B) is amended—

7 (1) in clause (ii)—

8 (A) by striking “and universal access sys-
9 tems,” and inserting “, universal access sys-
10 tems, and emergency call boxes,”; and

11 (B) by inserting “and integrated in-pave-
12 ment lighting systems for runways and taxiways
13 and other runway and taxiway incursion pre-
14 vention devices” before the semicolon at the
15 end; and

16 (2) by inserting before the semicolon at the end
17 of clause (iii) the following: “, including closed cir-
18 cuit weather surveillance equipment if the airport is
19 located in Alaska”.

20 **SEC. 122. WINDSHEAR DETECTION EQUIPMENT AND AD-**
21 **JUSTABLE LIGHTING EXTENSIONS.**

22 Section 47102(3)(B) is amended—

23 (1) by striking “and” at the end of clause (v);

24 (2) by striking the period at the end of clause

25 (vi) and inserting a semicolon; and

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1 (3) by adding at the end the following:

2 “(vii) windshear detection equipment
3 that is certified by the Administrator of
4 the Federal Aviation Administration;

5 “(viii) stainless steel adjustable light-
6 ing extensions approved by the Adminis-
7 trator; and”.

8 **SEC. 123. PAVEMENT MAINTENANCE.**

9 (a) REPEAL OF PILOT PROGRAM.—

10 (1) IN GENERAL.—Section 47132 is repealed.

11 (2) CONFORMING AMENDMENT.—The analysis
12 for chapter 471 is amended by striking the item re-
13 lating to section 47132.

14 (b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Sec-
15 tion 47102(3) is amended by adding at the end the fol-
16 lowing:

17 “(H) routine work to preserve and extend
18 the useful life of runways, taxiways, and aprons
19 at airports that are not primary airports, under
20 guidelines issued by the Administrator of the
21 Federal Aviation Administration.”.

22 **SEC. 124. ENHANCED VISION TECHNOLOGIES.**

23 (a) STUDY.—The Administrator shall enter into a co-
24 operative research and development agreement to study
25 the benefits of utilizing enhanced vision technologies to re-

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1 place, enhance, or add to conventional airport approach
2 and runway lighting systems.

3 (b) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Administrator shall transmit
5 to Congress a progress report on the work accomplished
6 under the cooperative agreements detailing the evaluations
7 performed to determine the potential of enhanced vision
8 technology to meet the operational requirements of the in-
9 tended application.

10 (c) CERTIFICATION.—Not later than 180 days after
11 the conclusion of work under the research agreements, the
12 Administrator shall transmit to Congress a report on the
13 potential of enhanced vision technology to satisfy the oper-
14 ational requirements of the Federal Aviation Administra-
15 tion and a schedule for the development of performance
16 standards for certification appropriate to the application
17 of the enhanced vision technologies. If the Administrator
18 certifies an enhanced vision technology as meeting such
19 performance standards, the technology shall be treated as
20 a navigation aid or other aid for purposes of section
21 47102(3)(B)(i) of title 49, United States Code.

22 **SEC. 125. PUBLIC NOTICE BEFORE WAIVER WITH RESPECT**
23 **TO LAND.**

24 (a) WAIVER OF GRANT ASSURANCE.—Section
25 47107(h) is amended to read as follows:

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1 “(h) MODIFYING ASSURANCES AND REQUIRING COM-
2 PLIANCE WITH ADDITIONAL ASSURANCES.—

3 “(1) IN GENERAL.—Subject to paragraph (2),
4 before modifying an assurance required of a person
5 receiving a grant under this subchapter and in effect
6 after December 29, 1987, or to require compliance
7 with an additional assurance from the person, the
8 Secretary of Transportation must—

9 “(A) publish notice of the proposed modi-
10 fication in the Federal Register; and

11 “(B) provide an opportunity for comment
12 on the proposal.

13 “(2) PUBLIC NOTICE BEFORE WAIVER OF
14 AERONAUTICAL LAND-USE ASSURANCE.—Before
15 modifying an assurance under subsection (c)(2)(B)
16 that requires any property to be used for an aero-
17 nautical purpose, the Secretary must provide notice
18 to the public not less than 30 days before making
19 such modification.”.

20 (b) WAIVER OF CONDITION ON CONVEYANCE OF
21 LAND.—Section 47125(a) is amended by adding at the
22 end the following: “Before waiving a condition that prop-
23 erty be used for an aeronautical purpose under the pre-
24 ceding sentence, the Secretary must provide notice to the

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1 public not less than 30 days before waiving such condi-
2 tion.”.

3 (c) SURPLUS PROPERTY.—Section 47151 is amended
4 by adding at the end the following:

5 “(d) WAIVER OF CONDITION.—Before the Secretary
6 may waive any condition imposed on an interest in surplus
7 property conveyed under subsection (a) that such interest
8 be used for an aeronautical purpose, the Secretary must
9 provide notice to the public not less than 30 days before
10 waiving such condition.”.

11 (d) WAIVER OF CERTAIN TERM.—Section 47153 is
12 amended by adding at the end the following:

13 “(c) PUBLIC NOTICE BEFORE WAIVER.—Notwith-
14 standing subsections (a) and (b), before the Secretary may
15 waive any term imposed under this section that an interest
16 in land be used for an aeronautical purpose, the Secretary
17 must provide notice to the public not less than 30 days
18 before waiving such term.”.

19 (e) LIMITATION.—Nothing in any amendment made
20 by this section shall be construed to authorize the Sec-
21 retary to issue a waiver or make a modification referred
22 to in such amendment.

23 **SEC. 126. MATCHING SHARE.**

24 Section 47109(a) is amended—

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1 (1) by redesignating paragraphs (2) and (3) as
2 paragraphs (3) and (4), respectively; and

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) not more than 90 percent for a project
6 funded by a grant issued to and administered by a
7 State under section 47128, relating to the State
8 block grant program;”.

9 **SEC. 127. LETTERS OF INTENT.**

10 Section 47110(e) is amended—

11 (1) by striking paragraph (2)(C) and inserting
12 the following:

13 “(C) that meets the criteria of section 47115(d)
14 and, if for a project at a commercial service airport
15 having at least 0.25 percent of the boardings each
16 year at all such airports, the Secretary decides will
17 enhance system-wide airport capacity significantly.”;
18 and

19 (2) by striking paragraph (5) and inserting the
20 following:

21 “(5) LETTERS OF INTENT.—The Secretary may not
22 require an eligible agency to impose a passenger facility
23 fee under section 40117 in order to obtain a letter of in-
24 tent under this section.”.

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1 **SEC. 128. GRANTS FROM SMALL AIRPORT FUND.**

2 (a) SET-ASIDE FOR MEETING SAFETY TERMS IN
3 AIRPORT OPERATING CERTIFICATES.—Section 47116 is
4 amended by adding at the end the following:

5 “(e) SET-ASIDE FOR MEETING SAFETY TERMS IN
6 AIRPORT OPERATING CERTIFICATES.—In the first fiscal
7 year beginning after the effective date of regulations
8 issued to carry out section 44706(b) with respect to air-
9 ports described in section 44706(a)(2), and in each of the
10 next 4 fiscal years, the lesser of \$15,000,000 or 20 percent
11 of the amounts that would otherwise be distributed to
12 sponsors of airports under subsection (b)(2) shall be used
13 to assist the airports in meeting the terms established by
14 the regulations. If the Secretary publishes in the Federal
15 Register a finding that all the terms established by the
16 regulations have been met, this subsection shall cease to
17 be effective as of the date of such publication.”.

18 (b) NOTIFICATION OF SOURCE OF GRANT.—Section
19 47116 is further amended by adding at the end the fol-
20 lowing:

21 “(f) NOTIFICATION OF SOURCE OF GRANT.—When-
22 ever the Secretary makes a grant under this section, the
23 Secretary shall notify the recipient of the grant, in writing,
24 that the source of the grant is from the small airport
25 fund.”.

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1 (c) TECHNICAL AMENDMENTS.—Section 47116(d) is
2 amended—

3 (1) by striking “In making” and inserting the
4 following:

5 “(1) CONSTRUCTION OF NEW RUNWAYS.—In
6 making”;

7 (2) by adding at the end the following:

8 “(2) AIRPORT DEVELOPMENT FOR TURBINE
9 POWERED AIRCRAFT.—In making grants to sponsors
10 described in subsection (b)(1), the Secretary shall
11 give priority consideration to airport development
12 projects to support operations by turbine powered
13 aircraft if the non-Federal share of the project is at
14 least 40 percent.”; and

15 (3) by aligning the remainder of paragraph (1)
16 (as designated by paragraph (1) of this subsection)
17 with paragraph (2) (as added by paragraph (2) of
18 this subsection).

19 **SEC. 129. DISCRETIONARY USE OF UNUSED APPORTION-**
20 **MENTS.**

21 Section 47117(f) (as redesignated by section 104(g)
22 of this Act) is amended to read as follows:

23 “(f) DISCRETIONARY USE OF APPORTIONMENTS.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 if the Secretary finds that all or part of an amount

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1 of an apportionment under section 47114 is not re-
2 quired during a fiscal year to fund a grant for which
3 the apportionment may be used, the Secretary may
4 use during such fiscal year the amount not so re-
5 quired to make grants for any purpose for which
6 grants may be made under section 48103. The find-
7 ing may be based on the notifications that the Sec-
8 retary receives under section 47105(f) or on other
9 information received from airport sponsors.

10 “(2) RESTORATION OF APPORTIONMENTS.—

11 “(A) IN GENERAL.—If the fiscal year for
12 which a finding is made under paragraph (1)
13 with respect to an apportionment is not the last
14 fiscal year of availability of the apportionment
15 under subsection (b), the Secretary shall restore
16 to the apportionment an amount equal to the
17 amount of the apportionment used under para-
18 graph (1) for a discretionary grant whenever a
19 sufficient amount is made available under sec-
20 tion 48103.

21 “(B) PERIOD OF AVAILABILITY.—If res-
22 toration under this paragraph is made in the
23 fiscal year for which the finding is made or the
24 succeeding fiscal year, the amount restored
25 shall be subject to the original period of avail-

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1 ability of the apportionment under subsection
2 (b). If the restoration is made thereafter, the
3 amount restored shall remain available in ac-
4 cordance with subsection (b) for the original pe-
5 riod of availability of the apportionment plus
6 the number of fiscal years during which a suffi-
7 cient amount was not available for the restora-
8 tion.

9 “(3) NEWLY AVAILABLE AMOUNTS.—

10 “(A) RESTORED AMOUNTS TO BE UN-
11 AVAILABLE FOR DISCRETIONARY GRANTS.—Of
12 an amount newly available under section 48103
13 of this title, an amount equal to the amounts
14 restored under paragraph (2) shall not be avail-
15 able for discretionary grant obligations under
16 section 47115.

17 “(B) USE OF REMAINING AMOUNTS.—Sub-
18 paragraph (A) does not impair the Secretary’s
19 authority under paragraph (1), after a restora-
20 tion under paragraph (2), to apply all or part
21 of a restored amount that is not required to
22 fund a grant under an apportionment to fund
23 discretionary grants.

24 “(4) LIMITATIONS ON OBLIGATIONS APPLY.—

25 Nothing in this subsection shall be construed to au-

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1 thorize the Secretary to incur grant obligations
2 under section 47104 for a fiscal year in an amount
3 greater than the amount made available under sec-
4 tion 48103 for such obligations for such fiscal
5 year.”.

6 **SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY**
7 **AIRPORTS.**

8 (a) IN GENERAL.—Section 47118 is amended—

9 (1) in subsection (a)—

10 (A) by striking “12” and inserting “15”;

11 and

12 (B) by striking paragraph (2) and insert-
13 ing the following:

14 “(2) the airport is a military installation with both
15 military and civil aircraft operations.”;

16 (2) by striking subsection (c) and inserting the
17 following:

18 “(c) CONSIDERATIONS.—In carrying out this section,
19 the Secretary shall consider only current or former mili-
20 tary airports for designation under this section if a grant
21 under section 47117(e)(1)(B) would—

22 “(1) reduce delays at an airport with more than
23 20,000 hours of annual delays in commercial pas-
24 senger aircraft takeoffs and landings; or

1 “(2) enhance airport and air traffic control sys-
2 tem capacity in a metropolitan area or reduce cur-
3 rent and projected flight delays.”;

4 (3) in subsection (d)—

5 (A) by striking “47117(e)(1)(E)” and in-
6 serting “47117(e)(1)(B)”;

7 (B) by striking “5-fiscal-year periods” and
8 inserting “periods, each not to exceed 5 fiscal
9 years,”; and

10 (C) by striking “each such subsequent 5-
11 fiscal-year period” and inserting “each such
12 subsequent period”; and

13 (4) by adding at the end the following:

14 “(g) DESIGNATION OF GENERAL AVIATION AIR-
15 PORT.—Notwithstanding any other provision of this sec-
16 tion, 1 of the airports bearing a designation under sub-
17 section (a) may be a general aviation airport that was a
18 former military installation closed or realigned under a
19 section referred to in subsection (a)(1).”.

20 (b) TERMINAL BUILDING FACILITIES.—Section
21 47118(e) is amended by striking “\$5,000,000” and insert-
22 ing “\$7,000,000”.

23 (c) ELIGIBILITY OF AIR CARGO TERMINALS.—Sec-
24 tion 47118(f) is amended—

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1 (1) in subsection heading by striking “AND
2 HANGARS” and inserting “HANGARS, AND AIR
3 CARGO TERMINALS”;

4 (2) by striking “\$4,000,000” and inserting
5 “\$7,000,000”; and

6 (3) by inserting after “hangars” the following:
7 “and air cargo terminals of an area that is 50,000
8 square feet or less”.

9 **SEC. 131. CONTRACT TOWER COST-SHARING.**

10 Section 47124(b) is amended by adding at the end
11 the following:

12 “(3) CONTRACT AIR TRAFFIC CONTROL TOWER
13 PILOT PROGRAM.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish a pilot program to contract for air
16 traffic control services at Level I air traffic con-
17 trol towers, as defined by the Secretary, that do
18 not qualify for the contract tower program es-
19 tablished under subsection (a) and continued
20 under paragraph (1) (in this paragraph referred
21 to as the ‘Contract Tower Program’).

22 “(B) PROGRAM COMPONENTS.—In car-
23 rying out the pilot program, the Secretary
24 shall—

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1 “(i) utilize for purposes of cost-benefit
2 analyses, current, actual, site-specific data,
3 forecast estimates, or airport master plan
4 data provided by a facility owner or oper-
5 ator and verified by the Secretary; and

6 “(ii) approve for participation only fa-
7 cilities willing to fund a pro rata share of
8 the operating costs of the air traffic con-
9 trol tower to achieve a 1-to-1 benefit-to-
10 cost ratio using actual site-specific contract
11 tower operating costs in any case in which
12 there is an operating air traffic control
13 tower, as required for eligibility under the
14 Contract Tower Program.

15 “(C) PRIORITY.—In selecting facilities to
16 participate in the pilot program, the Secretary
17 shall give priority to the following facilities:

18 “(i) Air traffic control towers that are
19 participating in the Contract Tower Pro-
20 gram but have been notified that they will
21 be terminated from such program because
22 the Secretary has determined that the ben-
23 efit-to-cost ratio for their continuation in
24 such program is less than 1.0.

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1 “(ii) Air traffic control towers that
2 the Secretary determines have a benefit-to-
3 cost ratio of at least .50.

4 “(iii) Air traffic control towers of the
5 Federal Aviation Administration that are
6 closed as a result of the air traffic control-
7 lers strike in 1981.

8 “(iv) Air traffic control towers located
9 at airports or points at which an air car-
10 rier is receiving compensation under the
11 essential air service program under this
12 chapter.

13 “(v) Air traffic control towers located
14 at airports that are prepared to assume
15 partial responsibility for maintenance
16 costs.

17 “(vi) Air traffic control towers located
18 at airports with safety or operational prob-
19 lems related to topography, weather, run-
20 way configuration, or mix of aircraft.

21 “(vii) Air traffic control towers lo-
22 cated at an airport at which the commu-
23 nity has been operating the tower at its
24 own expense.

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1 “(D) COSTS EXCEEDING BENEFITS.—If
2 the costs of operating an air traffic tower under
3 the pilot program exceed the benefits, the air-
4 port sponsor or State or local government hav-
5 ing jurisdiction over the airport shall pay the
6 portion of the costs that exceed such benefit.

7 “(E) FUNDING.—Subject to paragraph
8 (4)(D), of the amounts appropriated pursuant
9 to section 106(k), not more than \$6,000,000
10 per fiscal year may be used to carry out this
11 paragraph.

12 “(4) CONSTRUCTION OF AIR TRAFFIC CONTROL
13 TOWERS.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of this subchapter, the Sec-
16 retary may provide grants under this sub-
17 chapter to not more than 2 airport sponsors for
18 the construction of a low-level activity visual
19 flight rule (level 1) air traffic control tower, as
20 defined by the Secretary.

21 “(B) ELIGIBILITY.—A sponsor shall be eli-
22 gible for a grant under this paragraph if—

23 “(i) the sponsor would otherwise be
24 eligible to participate in the pilot program
25 established under paragraph (3) except for

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1 the lack of the air traffic control tower
2 proposed to be constructed under this sub-
3 section; and

4 “(ii) the sponsor agrees to fund not
5 less than 25 percent of the costs of con-
6 struction of the air traffic control tower.

7 “(C) PROJECT COSTS.—Grants under this
8 paragraph shall be paid only from amounts ap-
9 portioned to the sponsor under section
10 47114(c)(1).

11 “(D) FEDERAL SHARE.—The Federal
12 share of the cost of construction of an air traf-
13 fic control tower under this paragraph may not
14 exceed \$1,100,000.”.

15 **SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.**

16 (a) IN GENERAL.—Subchapter I of chapter 471 is
17 amended by adding at the end the following:

18 **“§ 47135. Innovative financing techniques**

19 “(a) IN GENERAL.—The Secretary of Transportation
20 may approve applications for not more than 20 airport
21 development projects for which grants received under this
22 subchapter may be used for innovative financing tech-
23 niques. Such projects shall be located at airports that each
24 year have less than .25 percent of the total number of
25 passenger boardings each year at all commercial service

1 airports in the most recent calendar year for which data
2 is available.

3 “(b) PURPOSE.—The purpose of grants made under
4 this section shall be to provide information on the benefits
5 and difficulties of using innovative financing techniques
6 for airport development projects.

7 “(c) LIMITATIONS.—

8 “(1) NO GUARANTEES.—In no case shall the
9 implementation of an innovative financing technique
10 under this section be used in a manner giving rise
11 to a direct or indirect guarantee of any airport debt
12 instrument by the United States Government.

13 “(2) TYPES OF TECHNIQUES.—In this section,
14 innovative financing techniques are limited to—

15 “(A) payment of interest;

16 “(B) commercial bond insurance and other
17 credit enhancement associated with airport
18 bonds for eligible airport development;

19 “(C) flexible non-Federal matching re-
20 quirements; and

21 “(D) use of funds apportioned under sec-
22 tion 47114 for the payment of principal and in-
23 terest of terminal development for costs in-
24 curred before the date of enactment of this sec-
25 tion.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 subchapter I of chapter 471 is amended by adding at the
3 end the following:

“47135. Innovative financing techniques.”.

4 **SEC. 133. INHERENTLY LOW-EMISSION AIRPORT VEHICLE**
5 **PILOT PROGRAM.**

6 (a) IN GENERAL.—Subchapter I of chapter 471 is
7 further amended by adding at the end the following:

8 **“§ 47136. Inherently low-emission airport vehicle**
9 **pilot program**

10 “(a) IN GENERAL.—The Secretary of Transportation
11 shall carry out a pilot program at not more than 10 public-
12 use airports under which the sponsors of such airports
13 may use funds made available under section 48103 for use
14 at such airports to carry out inherently low-emission vehi-
15 cle activities. Notwithstanding any other provision of this
16 subchapter, inherently low-emission vehicle activities shall
17 for purposes of the pilot program be treated as eligible
18 for assistance under this subchapter.

19 “(b) LOCATION IN AIR QUALITY NONATTAINMENT
20 AREAS.—

21 “(1) IN GENERAL.—A public-use airport shall
22 be eligible for participation in the pilot program only
23 if the airport is located in an air quality nonattain-
24 ment area (as defined in section 171(2) of the Clean
25 Air Act (42 U.S.C. 7501(2))).

1 “(2) SHORTAGE OF CANDIDATES.—If the Sec-
2 retary receives an insufficient number of applications
3 from public-use airports located in such areas, then
4 the Secretary may consider applications from public-
5 use airports that are not located in such areas.

6 “(c) SELECTION CRITERIA.—In selecting from
7 among applicants for participation in the pilot program,
8 the Secretary shall give priority consideration to appli-
9 cants that will achieve the greatest air quality benefits
10 measured by the amount of emissions reduced per dollar
11 of funds expended under the pilot program.

12 “(d) UNITED STATES GOVERNMENT’S SHARE.—Not-
13 withstanding any other provision of this subchapter, the
14 United States Government’s share of the costs of a project
15 carried out under the pilot program shall be 50 percent.

16 “(e) MAXIMUM AMOUNT.—Not more than
17 \$2,000,000 may be expended under the pilot program at
18 any single public-use airport.

19 “(f) TECHNICAL ASSISTANCE.—

20 “(1) IN GENERAL.—The sponsor of a public-use
21 airport carrying out inherently low-emission vehicle
22 activities under the pilot program may use not more
23 than 10 percent of the amounts made available for
24 expenditure at the airport in a fiscal year under the

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1 pilot program to receive technical assistance in car-
2 rying out such activities.

3 “(2) ELIGIBLE CONSORTIUM.—To the max-
4 imum extent practicable, participants in the pilot
5 program shall use an eligible consortium (as defined
6 in section 5506 of this title) in the region of the air-
7 port to receive technical assistance described in
8 paragraph (1).

9 “(g) MATERIALS IDENTIFYING BEST PRACTICES.—
10 The Administrator may develop and make available mate-
11 rials identifying best practices for carrying out low-emis-
12 sion vehicle activities based on the projects carried out
13 under the pilot program and other sources.

14 “(h) REPORT TO CONGRESS.—Not later than 18
15 months after the date of enactment of this section, the
16 Secretary shall transmit to the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 and the Committee on Commerce, Science, and Transpor-
19 tation of the Senate a report containing—

20 “(1) an evaluation of the effectiveness of the
21 pilot program;

22 “(2) an identification of other public-use air-
23 ports that expressed an interest in participating in
24 the pilot program; and

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1 “(3) a description of the mechanisms used by
2 the Secretary to ensure that the information and
3 know-how gained by participants in the pilot pro-
4 gram is transferred among the participants and to
5 other interested parties, including other public-use
6 airports.

7 “(i) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY
8 DEFINED.—In this section, the term ‘inherently low-emis-
9 sion vehicle activity’ means—

10 “(1) the construction of infrastructure or modi-
11 fications at public-use airports to enable the delivery
12 of fuel and services necessary for the use of vehicles
13 that are certified as inherently low-emission vehicles
14 under title 40 of the Code of Federal Regulations
15 and that—

16 “(A) operate exclusively on compressed
17 natural gas, liquefied natural gas, liquefied pe-
18 troleum gas, electricity, hydrogen, or a blend at
19 least 85 percent of which is methanol;

20 “(B) are labeled in accordance with section
21 88.312–93(c) of such title; and

22 “(C) are located or primarily used at pub-
23 lic-use airports;

24 “(2) the construction of infrastructure or modi-
25 fications at public-use airports to enable the delivery

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1 of fuel and services necessary for the use of nonroad
2 vehicles that—

3 “(A) operate exclusively on compressed
4 natural gas, liquefied natural gas, liquefied pe-
5 troleum gas, electricity, hydrogen, or a blend at
6 least 85 percent of which is methanol;

7 “(B) meet or exceed the standards set
8 forth in section 86.1708–99 of such title or the
9 standards set forth in section 89.112(a) of such
10 title, and are in compliance with the require-
11 ments of section 89.112(b) of such title; and

12 “(C) are located or primarily used at pub-
13 lic-use airports;

14 “(3) the payment of that portion of the cost of
15 acquiring vehicles described in this subsection that
16 exceeds the cost of acquiring other vehicles or en-
17 gines that would be used for the same purpose; or

18 “(4) the acquisition of technological capital
19 equipment to enable the delivery of fuel and services
20 necessary for the use of vehicles described in para-
21 graph (1).”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 subchapter I of chapter 471 is further amended by adding
24 at the end the following:

“47136. Inherently low-emission airport vehicle pilot program.”.

1 **SEC. 134. AIRPORT SECURITY PROGRAM.**

2 (a) IN GENERAL.—Subchapter I of chapter 471 is
3 further amended by adding at the end the following:

4 **“§ 47137. Airport security program**

5 “(a) GENERAL AUTHORITY.—To improve security at
6 public airports in the United States, the Secretary of
7 Transportation shall carry out not less than 1 project to
8 test and evaluate innovative aviation security systems and
9 related technology.

10 “(b) PRIORITY.—In carrying out this section, the
11 Secretary shall give the highest priority to a request from
12 an eligible sponsor for a grant to undertake a project
13 that—

14 “(1) evaluates and tests the benefits of innova-
15 tive aviation security systems or related technology,
16 including explosives detection systems, for the pur-
17 pose of improving aviation and aircraft physical se-
18 curity, access control, and passenger and baggage
19 screening; and

20 “(2) provides testing and evaluation of airport
21 security systems and technology in an operational,
22 testbed environment.

23 “(c) MATCHING SHARE.—Notwithstanding section
24 47109, the United States Government’s share of allowable
25 project costs for a project under this section shall be 100
26 percent.

1 “(d) TERMS AND CONDITIONS.—The Secretary may
2 establish such terms and conditions as the Secretary de-
3 termines appropriate for carrying out a project under this
4 section, including terms and conditions relating to the
5 form and content of a proposal for a project, project assur-
6 ances, and schedule of payments.

7 “(e) ELIGIBLE SPONSOR DEFINED.—In this section,
8 the term ‘eligible sponsor’ means a nonprofit corporation
9 composed of a consortium of public and private persons,
10 including a sponsor of a primary airport, with the nec-
11 essary engineering and technical expertise to successfully
12 conduct the testing and evaluation of airport and aircraft
13 related security systems.

14 “(f) AUTHORIZATION OF APPROPRIATIONS.—Of the
15 amounts made available to the Secretary under section
16 47115 in a fiscal year, the Secretary shall make available
17 not less than \$5,000,000 for the purpose of carrying out
18 this section.”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 subchapter I of chapter 471 is further amended by adding
21 at the end the following:

“47137. Airport security program.”.

22 **SEC. 135. TECHNICAL AMENDMENTS.**

23 (a) PASSENGER FACILITY FEE WAIVER FOR CER-
24 TAIN CLASS OF CARRIERS.—Section 40117(e)(2) is
25 amended—

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1 (1) in subparagraph (B) by striking “and” at
2 the end; and

3 (2) by adding at the end the following:

4 “(D) on flights, including flight segments, be-
5 tween 2 or more points in Hawaii; and

6 “(E) in Alaska aboard an aircraft having a
7 seating capacity of less than 60 passengers.”.

8 (b) PASSENGER FACILITY FEE WAIVER FOR CER-
9 TAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS
10 IN ISOLATED COMMUNITIES.—Section 40117 is
11 amended—

12 (1) in subsection (i)(1) by striking “and” at the
13 end;

14 (2) in subsection (i)(2)(D) by striking the pe-
15 riod at the end and inserting “; and”;

16 (3) by adding at the end of subsection (i) the
17 following:

18 “(3) may permit an eligible agency to request
19 that collection of a passenger facility fee be waived
20 for—

21 “(A) passengers enplaned by any class of
22 air carrier or foreign air carrier if the number
23 of passengers enplaned by the carriers in the
24 class constitutes not more than one percent of
25 the total number of passengers enplaned annu-

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1 ally at the airport at which the fee is imposed;

2 or

3 “(B) passengers enplaned on a flight to an

4 airport—

5 “(i) that has fewer than 2,500 pas-

6 senger boardings each year and receives

7 scheduled passenger service; or

8 “(ii) in a community which has a pop-

9 ulation of less than 10,000 and is not con-

10 nected by a land highway or vehicular way

11 to the land-connected National Highway

12 System within a State.”; and

13 (4) by adding at the end the following:

14 “(j) LIMITATION ON CERTAIN ACTIONS.—A State,

15 political subdivision of a State, or authority of a State or

16 political subdivision that is not the eligible agency may not

17 tax, regulate, or prohibit or otherwise attempt to control

18 in any manner, the imposition or collection of a passenger

19 facility fee or the use of the revenue from the passenger

20 facility fee.”.

21 (c) CONTINUATION OF PROJECT FUNDING.—Section

22 47108 is amended by adding at the end the following:

23 “(e) CHANGE IN AIRPORT STATUS.—

24 “(1) CHANGES TO NONPRIMARY AIRPORT STA-

25 TUS.—If the status of a primary airport changes to

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1 a nonprimary airport at a time when a development
2 project under a multiyear agreement under sub-
3 section (a) is not yet completed, the project shall re-
4 main eligible for funding from discretionary funds
5 under section 47115 at the funding level and under
6 the terms provided by the agreement, subject to the
7 availability of funds.

8 “(2) CHANGES TO NONCOMMERCIAL SERVICE
9 AIRPORT STATUS.—If the status of a commercial
10 service airport changes to a noncommercial service
11 airport at a time when a terminal development
12 project under a phased-funding arrangement is not
13 yet completed, the project shall remain eligible for
14 funding from discretionary funds under section
15 47115 at the funding level and under the terms pro-
16 vided by the arrangement subject to the availability
17 of funds.”.

18 (d) REFERENCES TO GIFTS.—Chapter 471 is
19 amended—

20 (1) in section 47151—

21 (A) in subsection (a)—

22 (i) in the matter preceding paragraph

23 (1) by striking “give” and inserting “con-

24 vey to”; and

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1 (ii) in paragraph (2) by striking
2 “gift” and inserting “conveyance”;

3 (B) in subsection (b)—

4 (i) by striking “giving” and inserting
5 “conveying”; and

6 (ii) by striking “gift” and inserting
7 “conveyance”; and

8 (C) in subsection (c)—

9 (i) in the subsection heading by strik-
10 ing “GIVEN” and inserting “CONVEYED”;
11 and

12 (ii) by striking “given” and inserting
13 “conveyed”;

14 (2) in section 47152—

15 (A) in the section heading by striking
16 “**gifts**” and inserting “**conveyances**”; and

17 (B) in the matter preceding paragraph (1)
18 by striking “gift” and inserting “conveyance”;

19 (3) in section 47153(a)(1)—

20 (A) by striking “gift” each place it appears
21 and inserting “conveyance”; and

22 (B) by striking “given” and inserting
23 “conveyed”; and

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1 (4) in the analysis for such chapter by striking
2 the item relating to section 47152 and inserting the
3 following:

“47152. Terms of conveyances.”.

4 **SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUB-**
5 **LIC AIRPORTS.**

6 Section 47151 (as amended by section 125(c) of this
7 Act) is further amended by adding at the end the fol-
8 lowing:

9 “(e) REQUESTS BY PUBLIC AGENCIES.—Except with
10 respect to a request made by another department, agency,
11 or instrumentality of the executive branch of the United
12 States Government, such a department, agency, or instru-
13 mentality shall give priority consideration to a request
14 made by a public agency (as defined in section 47102)
15 for surplus property described in subsection (a) (other
16 than real property that is subject to section 2687 of title
17 10, section 201 of the Defense Authorization Amendments
18 and Base Closure and Realignment Act (10 U.S.C. 2687
19 note), or section 2905 of the Defense Base Closure and
20 Realignment Act of 1990 (10 U.S.C. 2687 note)) for use
21 at a public airport.”.

22 **SEC. 137. INTERMODAL CONNECTIONS.**

23 (a) AIRPORT IMPROVEMENT POLICY.—Section
24 47101(a)(5) is amended to read as follows:

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1 “(5) to encourage the development of inter-
2 modal connections on airport property between aero-
3 nautical and other transportation modes and sys-
4 tems to serve air transportation passengers and
5 cargo efficiently and effectively and promote eco-
6 nomic development;”.

7 (b) AIRPORT DEVELOPMENT DEFINED.—Section
8 47102(3) (as amended by section 123(b)) is further
9 amended by adding at the end the following:

10 “(I) constructing, reconstructing, or im-
11 proving an airport, or purchasing nonrevenue
12 generating capital equipment to be owned by an
13 airport, for the purpose of transferring pas-
14 sengers, cargo, or baggage between the aero-
15 nautical and ground transportation modes on
16 airport property.”.

17 **SEC. 138. STATE BLOCK GRANT PROGRAM.**

18 Section 47128(a) is amended by striking “8 qualified
19 States for fiscal year 1997 and 9 qualified States for each
20 fiscal year thereafter” and insert “9 qualified States for
21 fiscal years 2000 and 2001 and 10 qualified States for
22 each fiscal year thereafter”.

23 **SEC. 139. DESIGN-BUILD CONTRACTING.**

24 (a) PILOT PROGRAM.—The Administrator may estab-
25 lish a pilot program under which design-build contracts

1 may be used to carry out up to 7 projects at airports in
2 the United States with a grant awarded under section
3 47104 of title 49, United States Code. A sponsor of an
4 airport may submit an application to the Administrator
5 to carry out a project otherwise eligible for assistance
6 under chapter 471 of such title under the pilot program.

7 (b) USE OF DESIGN-BUILD CONTRACTS.—Under the
8 pilot program, the Administrator may approve an applica-
9 tion of an airport sponsor under this section to authorize
10 the airport sponsor to award a design-build contract using
11 a selection process permitted under applicable State or
12 local law if—

13 (1) the Administrator approves the application
14 using criteria established by the Administrator;

15 (2) the design-build contract is in a form that
16 is approved by the Administrator;

17 (3) the Administrator is satisfied that the con-
18 tract will be executed pursuant to competitive proce-
19 dures and contains a schematic design adequate for
20 the Administrator to approve the grant;

21 (4) use of a design-build contract will be cost
22 effective and expedite the project;

23 (5) the Administrator is satisfied that there will
24 be no conflict of interest; and

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1 (6) the Administrator is satisfied that the selec-
2 tion process will be as open, fair, and objective as
3 the competitive bid system and that at least 3 or
4 more bids will be submitted for each project under
5 the selection process.

6 (c) REIMBURSEMENT OF COSTS.—The Administrator
7 may reimburse an airport sponsor for design and construc-
8 tion costs incurred before a grant is made pursuant to
9 this section if the project is approved by the Administrator
10 in advance and is carried out in accordance with all ad-
11 ministrative and statutory requirements that would have
12 been applicable under chapter 471 of title 49, United
13 States Code, if the project were carried out after a grant
14 agreement had been executed.

15 (d) DESIGN-BUILD CONTRACT DEFINED.—In this
16 section, the term “design-build contract” means an agree-
17 ment that provides for both design and construction of a
18 project by a contractor.

19 (e) EXPIRATION OF AUTHORITY.—The authority of
20 the Administrator to carry out the pilot program under
21 this section shall expire on September 30, 2003.

22 **Subtitle C—Miscellaneous**

23 **SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIR-** 24 **PORT-RELATED PROJECTS.**

25 Section 40117(a) is amended to read as follows:

1 “(a) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) AIRPORT, COMMERCIAL SERVICE AIRPORT,
4 AND PUBLIC AGENCY.—The terms ‘airport’, ‘com-
5 mercial service airport’, and ‘public agency’ have the
6 meaning those terms have under section 47102.

7 “(2) ELIGIBLE AGENCY.—The term ‘eligible
8 agency’ means a public agency that controls a com-
9 mercial service airport.

10 “(3) ELIGIBLE AIRPORT-RELATED PROJECT.—
11 The term ‘eligible airport-related project’ means any
12 of the following projects:

13 “(A) A project for airport development or
14 airport planning under subchapter I of chapter
15 471.

16 “(B) A project for terminal development
17 described in section 47110(d).

18 “(C) A project for airport noise capability
19 planning under section 47505.

20 “(D) A project to carry out noise compat-
21 ibility measures eligible for assistance under
22 section 47504, whether or not a program for
23 those measures has been approved under sec-
24 tion 47504.

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1 “(E) A project for constructing gates and
2 related areas at which passengers board or exit
3 aircraft. In the case of a project required to en-
4 able additional air service by an air carrier with
5 less than 50 percent of the annual passenger
6 boardings at an airport, the project for con-
7 structing gates and related areas may include
8 structural foundations and floor systems, exte-
9 rior building walls and load-bearing interior col-
10 umns or walls, windows, door and roof systems,
11 building utilities (including heating, air condi-
12 tioning, ventilation, plumbing, and electrical
13 service), and aircraft fueling facilities adjacent
14 to the gate.

15 “(4) PASSENGER FACILITY FEE.—The term
16 ‘passenger facility fee’ means a fee imposed under
17 this section.

18 “(5) PASSENGER FACILITY REVENUE.—The
19 term ‘passenger facility revenue’ means revenue de-
20 rived from a passenger facility fee.”.

21 **SEC. 152. TERMINAL DEVELOPMENT COSTS.**

22 (a) WITH RESPECT TO PASSENGER FACILITY
23 CHARGES.—Section 40117(a)(3) is further amended—

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1 (1) by redesignating subparagraphs (C), (D),
2 and (E) as subparagraphs (D), (E), and (F), respec-
3 tively; and

4 (2) by inserting after subparagraph (B) the fol-
5 lowing:

6 “(C) for costs of terminal development re-
7 ferred to in subparagraph (B) incurred after
8 August 1, 1986, at an airport that did not have
9 more than .25 percent of the total annual pas-
10 senger boardings in the United States in the
11 most recent calendar year for which data is
12 available and at which total passenger
13 boardings declined by at least 16 percent be-
14 tween calendar year 1989 and calendar year
15 1997;”.

16 (b) NONPRIMARY COMMERCIAL SERVICE AIR-
17 PORTS.—Section 47119 is amended by adding at the end
18 the following:

19 “(d) DETERMINATION OF PASSENGER BOARDING AT
20 COMMERCIAL SERVICE AIRPORTS.—For the purpose of
21 determining whether an amount may be distributed for a
22 fiscal year from the discretionary fund in accordance with
23 subsection (b)(2)(A) to a commercial service airport, the
24 Secretary shall make the determination of whether or not
25 a public airport is a commercial service airport on the

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1 basis of the number of passenger boardings and type of
2 air service at the public airport in the calendar year that
3 includes the first day of such fiscal year or the preceding
4 calendar year, whichever is more beneficial to the air-
5 port.”.

6 **SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.**

7 Section 44502(a)(4)(B) is amended—

8 (1) by striking “each of fiscal years 1995 and
9 1996” and inserting “each of fiscal years 2000
10 through 2002”; and

11 (2) by inserting “under new or existing con-
12 tracts” after “including acquisition”.

13 **SEC. 154. AIRCRAFT NOISE PRIMARILY CAUSED BY MILI-
14 TARY AIRCRAFT.**

15 Section 47504(c) is amended by adding at the end
16 the following:

17 “(6) AIRCRAFT NOISE PRIMARILY CAUSED BY
18 MILITARY AIRCRAFT.—The Secretary may make a
19 grant under this subsection for a project even if the
20 purpose of the project is to mitigate the effect of
21 noise primarily caused by military aircraft at an air-
22 port.”.

23 **SEC. 155. COMPETITION PLANS.**

24 (a) FINDINGS.—The Congress makes the following
25 findings:

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1 (1) Major airports must be available on a rea-
2 sonable basis to all air carriers wishing to serve
3 those airports.

4 (2) 15 large hub airports today are each domi-
5 nated by one air carrier, with each such carrier con-
6 trolling more than 50 percent of the traffic at the
7 hub.

8 (3) The General Accounting Office has found
9 that such levels of concentration lead to higher air
10 fares.

11 (4) The United States Government must take
12 every step necessary to reduce those levels of con-
13 centration.

14 (5) Consistent with air safety, spending at these
15 airports must be directed at providing opportunities
16 for carriers wishing to serve such facilities on a com-
17 mercially viable basis.

18 (b) IN GENERAL.—Section 47106 is amended by
19 adding at the end the following:

20 “(f) COMPETITION PLANS.—

21 “(1) PROHIBITION.—Beginning in fiscal year
22 2001, no passenger facility fee may be approved for
23 a covered airport under section 40117 and no grant
24 may be made under this subchapter for a covered
25 airport unless the airport has submitted to the Sec-

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1 retary a written competition plan in accordance with
2 this subsection.

3 “(2) CONTENTS.—A competition plan under
4 this subsection shall include information on the
5 availability of airport gates and related facilities,
6 leasing and sub-leasing arrangements, gate-use re-
7 quirements, patterns of air service, gate-assignment
8 policy, financial constraints, airport controls over
9 air- and ground-side capacity, whether the airport
10 intends to build or acquire gates that would be used
11 as common facilities, and airfare levels (as compiled
12 by the Department of Transportation) compared to
13 other large airports.

14 “(3) COVERED AIRPORT DEFINED.—In this
15 subsection, the term ‘covered airport’ means a com-
16 mercial service airport—

17 “(A) that has more than .25 percent of the
18 total number of passenger boardings each year
19 at all such airports; and

20 “(B) at which one or two air carriers con-
21 trol more than 50 percent of the passenger
22 boardings.”.

23 (c) CROSS REFERENCE.—Section 40117 (as amend-
24 ed by section 135(b) of this Act) is further amended by
25 adding at the end the following:

1 “(k) COMPETITION PLANS.—

2 “(1) IN GENERAL.—Beginning in fiscal year
3 2001, no eligible agency may impose a passenger fa-
4 cility fee under this section with respect to a covered
5 airport (as such term is defined in section 47106(f))
6 unless the agency has submitted to the Secretary a
7 written competition plan in accordance with such
8 section. This subsection does not apply to passenger
9 facility fees in effect before the date of enactment of
10 this subsection.

11 “(2) SECRETARY SHALL ENSURE IMPLEMENTA-
12 TION AND COMPLIANCE.—The Secretary shall review
13 any plan submitted under paragraph (1) to ensure
14 that it meets the requirements of this section, and
15 shall review its implementation from time to time to
16 ensure that each covered airport successfully imple-
17 ments its plan.”.

18 (d) AVAILABILITY OF GATES AND OTHER ESSENTIAL
19 SERVICES.—The Secretary shall ensure that gates and
20 other facilities are made available at costs that are fair
21 and reasonable to air carriers at covered airports (as de-
22 fined in section 47106(f)(4) of title 49, United States
23 Code) where a “majority-in-interest clause” of a contract
24 or other agreement or arrangement inhibits the ability of

1 the local airport authority to provide or build new gates
2 or other facilities.

3 **SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.**

4 (a) APPLICATION OF FAA REGULATIONS.—Section
5 40113 is amended by adding at the end the following:

6 “(f) APPLICATION OF CERTAIN REGULATIONS TO
7 ALASKA.—In amending title 14, Code of Federal Regula-
8 tions, in a manner affecting intrastate aviation in Alaska,
9 the Administrator of the Federal Aviation Administration
10 shall consider the extent to which Alaska is not served by
11 transportation modes other than aviation, and shall estab-
12 lish such regulatory distinctions as the Administrator con-
13 siders appropriate.”.

14 (b) MIKE-IN-HAND WEATHER OBSERVATION.—The
15 Administrator and the Assistant Administrator of the Na-
16 tional Weather Service, in consultation with the National
17 Transportation Safety Board and the Governor of the
18 State of Alaska, shall continue efforts to develop and im-
19 plement a “mike-in-hand” weather observation program in
20 Alaska under which Federal Aviation Administration em-
21 ployees, National Weather Service employees, other Fed-
22 eral or State employees sited at an airport, or persons con-
23 tracted specifically for such purpose (including part-time
24 contract employees who are not sited at such airport), will
25 provide near-real time aviation weather information via

1 radio and otherwise to pilots who request such informa-
2 tion.

3 **SEC. 157. USE OF RECYCLED MATERIALS.**

4 (a) STUDY.—The Administrator shall conduct a
5 study of the use of recycled materials (including recycled
6 pavements, waste materials, and byproducts) in pavement
7 used for runways, taxiways, and aprons and the specifica-
8 tion standards in tests necessary for the use of recycled
9 materials in such pavement. The primary focus of the
10 study shall be on the long-term physical performance,
11 safety implications, and environmental benefits of using
12 recycled materials in aviation pavement.

13 (b) CONTRACTING.—The Administrator may carry
14 out the study by entering into a contract with a university
15 of higher education with expertise necessary to carry out
16 the study.

17 (c) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Administrator shall transmit
19 to Congress a report on the results of the study, together
20 with recommendations concerning the use of recycled ma-
21 terials in aviation pavement.

22 (d) FUNDING.—Of the amounts appropriated pursu-
23 ant to section 106(k) of title 49, United States Code, not
24 to exceed \$1,500,000 may be used to carry out this sec-
25 tion.

1 **SEC. 158. CONSTRUCTION OF RUNWAYS.**

2 Notwithstanding any provision of law that specifically
3 restricts the number of runways at a single international
4 airport, the Secretary may obligate funds made available
5 under chapters 471 and 481 of title 49, United States
6 Code, for any project to construct a new runway at such
7 airport, unless this section is expressly repealed.

8 **SEC. 159. NOTICE OF GRANTS.**

9 (a) **TIMELY ANNOUNCEMENT.**—The Secretary shall
10 announce a grant to be made with funds made available
11 under section 48103 of title 49, United States Code, in
12 a timely fashion after receiving necessary documentation
13 concerning the grant from the Administrator.

14 (b) **NOTICE TO COMMITTEES.**—If the Secretary pro-
15 vides any committee of Congress advance notice of a grant
16 to be made with funds made available under section 48103
17 of title 49, United States Code, the Secretary shall pro-
18 vide, on the same date, such notice to the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Commerce, Science,
21 and Transportation of the Senate.

22 **SEC. 160. AIRFIELD PAVEMENT CONDITIONS.**

23 (a) **EVALUATION OF OPTIONS.**—The Administrator
24 shall evaluate options for improving the quality of infor-
25 mation available to the Federal Aviation Administration

1 on airfield pavement conditions for airports that are part
2 of the national air transportation system, including—

3 (1) improving the existing runway condition in-
4 formation contained in the airport safety data pro-
5 gram by reviewing and revising rating criteria and
6 providing increased training for inspectors;

7 (2) requiring such airports to submit pavement
8 condition index information as part of their airport
9 master plan or as support in applications for airport
10 improvement grants; and

11 (3) requiring all such airports to submit pave-
12 ment condition index information on a regular basis
13 and using this information to create a pavement
14 condition database that could be used in evaluating
15 the cost-effectiveness of project applications and
16 forecasting anticipated pavement needs.

17 (b) REPORT TO CONGRESS.—Not later than 12
18 months after the date of enactment of this Act, the Ad-
19 ministrator shall transmit a report containing an evalua-
20 tion of the options described in subsection (a) to the Sen-
21 ate Committee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on Trans-
23 portation and Infrastructure.

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1 **SEC. 161. REPORT ON EFFORTS TO IMPLEMENT CAPACITY**
2 **ENHANCEMENTS.**

3 Not later than 9 months after the date of enactment
4 of this Act, the Secretary shall transmit to the Committee
5 on Commerce, Science, and Transportation of the Senate
6 and the Committee on Transportation and Infrastructure
7 of the House of Representatives a report on efforts by the
8 Federal Aviation Administration to implement capacity
9 enhancements and improvements, both technical and pro-
10 cedural, such as precision runway monitoring systems, and
11 the timeframe for implementation of such enhancements
12 and improvements.

13 **SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.**

14 Section 47120 is amended—

15 (1) by inserting “(a) IN GENERAL.—” before
16 “In”; and

17 (2) by adding at the end the following:

18 “(b) DISCRETIONARY FUNDING TO BE USED FOR
19 HIGHER PRIORITY PROJECTS.—The Administrator of the
20 Federal Aviation Administration shall discourage airport
21 sponsors and airports from using entitlement funds for
22 lower priority projects by giving lower priority to discre-
23 tionary projects submitted by airport sponsors and air-
24 ports that have used entitlement funds for projects that
25 have a lower priority than the projects for which discre-
26 tionary funds are being requested.”.

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1 **SEC. 163. CONTINUATION OF REPORTS.**

2 Section 3003(a)(1) of the Federal Reports Elimini-
3 nation and Sunset Act of 1995 (31 U.S.C. 1113 note)
4 does not apply to any report required to be submitted
5 under any of the following provisions of law:

6 (1) Section 44501 of title 49, United States
7 Code.

8 (2) Section 47103 of such title.

9 (3) Section 47131 of such title.